

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 WAYNE SEARE, and)
MARINETTE TEDOCO,)

Case No. 2:16-cv-00907-JCM-CWH

5 Plaintiff,)
6)

7 v.)

ORDER

8 THE BANK OF NEW YORK MELLON, et al,)

9 Defendants.)
_____)

10 Presently before the court is pro se Plaintiff's motion (ECF No. 16) for a peremptory
11 challenge of the presiding judge in this matter, filed on August 4, 2016. Defendants filed a response
12 (ECF No. 19) on August 18, 2016, in which they moved to strike Plaintiff's motion.

13 Plaintiffs base their motion on Rule 48.1 of the Nevada Supreme Court, a state court.
14 However, this action was filed in United States District Court for the District of Nevada, a federal
15 court. This court has jurisdiction in this matter pursuant to 28 U.S.C. § 1331, based on Plaintiff's
16 claims made under federal law. Therefore, proceedings in this action will be governed by the
17 Federal Rules of Civil Procedure, and the Local Rules of Practice for the United States District Court
18 for the District of Nevada. The Nevada Supreme Court Rules do not apply.

19 IT IS THEREFORE ORDERED that Plaintiff's motion (ECF No. 16) for a peremptory
20 challenge is DENIED.

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22 DATED: August 25, 2016.

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25 C.W. Hoffman, Jr.
26 United States Magistrate Judge
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